

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to
Develop and Adopt Fire-Threat Maps
and Fire-Safety Regulations.

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Rulemaking 15-05-006

**JOINT COMMENTS OF
THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION,
LOS ANGELES DEPARTMENT OF WATER AND POWER, AND
SACRAMENTO MUNICIPAL UTILITY DISTRICT
ON THE JOINT PARTIES' WORKSHOP REPORT FOR
WORKSHOPS HELD AUGUST – SEPTEMBER 2016**

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Dated: October 14, 2016

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Pursuant to the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”) and the *Administrative Law Judge’s Ruling Extending The Schedule For The Workshop Report And Associated Filings*, filed on September 23, 2016, the California Municipal Utilities Association (“CMUA”), the Los Angeles Department of Water and Power (“LADWP”), and the Sacramento Municipal Utility District (“SMUD”) (collectively “Joint POUs”) hereby jointly file these comments on the *Joint Parties’ Workshop Report for Workshops Held August – September 2016* (“Workshop Report”), filed on October 7, 2016.

I. COMMENTS ON THE WORKSHOP REPORT

CMUA, SMUD, and LADWP all directly participated in the workshops developing the Fire Map 2 Work Plan and joined in submitting the Workshop Report. As noted throughout the Workshop Report, there were some issues that the parties did not reach consensus on and some areas that were not covered. While the Joint POUs generally support the process laid out in the Workshop Report, the Joint POUs provide the following additional recommendations.

A. Clarify the Role of the Territory Leads Throughout the Entire Fire Map 2 Process

As proposed in the Workshop Report, the Peer Development Panel (“PDP”) has the overall responsibility for developing the Shape B and Shape C maps. Shape B is a refinement of Shape A based on utilities’ and other stakeholders’ knowledge and experience, and will include tiers to delineate the level of risk from fires in various areas. Shape C is the final mapping product that further refines Shape B to take into account the location of utility facilities and other operational concerns, including interconnections and circuit designs.

Territory Leads are individual entities responsible for assisting the PDP by developing territory-specific proposals for Shape B and Shape C. As the default, the Territory Leads will be the electric utility with facilities in the relevant territory. The Joint POUs strongly support the Territory Lead role defaulting to the relevant electric utility. These Territory Leads may include electric utilities that are not directly parties to this proceeding.

The role of the Territory Leads in providing input on the Shape B and Shape C maps is clearly specified in the Workshop Report. However, there are many other stages to the Fire Map 2 development process where the role of Territory Leads is not specified. The Workshop Report proposes an iterative process for developing Fire Map 2, with the PDP adjusting the Shapes based on stakeholder and Technical Review Team (“TRT”) feedback. The Joint POUs understand that the presumption of the parties is that the PDP would involve the Territory Leads as well as continue to receive direction from the Territory Leads at all stages during this iterative process until the respective Shapes are finalized and approved. This would also hold true for the development of any separate map layers such as Tree Mortality. The Joint POUs believe this intent should be clarified as part of the description of the PDP and Territory Lead roles and responsibilities.

B. Provide an Express Opportunity for Parties to Raise Concerns to ALJ or Commission at Any Stage in the Development Process

The process set forth in the Workshop Report provides significant authority for both the PDP and the TRT, and the actions of those two groups will have significant influence over the final Fire Map 2 product. The Workshop Report sets out a process for entities that are not members of the PRP or TRT (such as some territory leads, parties, and the public) to provide input into this process. Anticipating that some issues may be controversial, the Workshop Report also sets out a dispute resolution process for disagreements within the PRP or the TRT. However, the Workshop Report does not specify a process for a non-member of the PRP or TRT to raise concerns with the actions or decisions of either of those groups prior to the stage of Commission approval. While the POUs have every confidence that the PDP and the TRT members will act neutrally and with scientific integrity, there is still the potential for disputes to arise over the actions of these two groups.

The Joint POUs recommend that the Commission clarify that a Territory Lead or party to this proceeding that is not part of the PRP or TRT may raise concerns directly with the ALJ or Commission in the very unlikely event that there are serious concerns that the PRP or the TRT is acting in a manner inconsistent with the direction or authority provided by the Commission, making decisions not based on sound science, or otherwise acting arbitrarily or capriciously. Resolving these types of fundamental disputes early in the process could save time and resources, as well as avoid the potential for substantial revision to the map late in the development process.

C. The Fire Threat Tiers Should Be Carefully Designed to Support Effective Application of the New Regulations

The new tiers of Fire Map 2 should be carefully targeted to genuinely high risk areas. Creating tiers that are overly broad could have a counterproductive impact by spreading resources too thin, rather than focusing those resources to the area where they will be most effective.

D. More Direction Is Needed on the Level of Information that Will Be Publicly Available and Included in Fire Map 2

The Workshop Report notes the July 15 Scoping Ruling required that Fire Map 2 identify the “types and locations of overhead power-line facilities in the high-fire threat areas,” while also “protecting information about critical infrastructure” The Workshop Report clarifies that IOU facilities will be identified in Fire Map 2.

Given the enormous geographic region and the number of facilities that will likely be impacted by Fire Map 2, the Commission should provide very clear and express direction about the level of information that will be required to be identified in Fire Map 2 as well as the documentation that will be made public as part of the Fire Map 2 development process. The Commission should ensure that only information truly necessary and valuable to this process be identified. This will help ensure the protection of critical utility infrastructure and avoid unnecessary administrative burdens.

E. The Basic Process for Developing New Fire Safety Regulations Should Be Adopted at this Time.

The Joint POU's recognize that there is an ongoing and parallel process to identify and develop new fire safety regulations that may apply within one or more of the tiers to be designated in Fire Map 2. As that effort progresses, it is likely that some of the various issues will be highly contentious. Given the controversial nature of the subject matter and the need to

ensure that this process can be completed as soon as possible after the finalization of Fire Map 2, the Joint POUs recommend formalizing the basic process for developing those new regulations. This should be based on the consensus of the parties already involved in developing these new fire safety regulations. Additionally, it is essential that the process for developing these new regulations be as transparent as possible, even at this early stage.

The Joint POUs anticipate that other parties will comment on this issue and upon review of those comments may indicate support for a specific proposal in Reply Comments.

II. CONCLUSION

The Joint POUs appreciate the opportunity to submit these comments to the Commission.

Pursuant to agreement of the Joint POUs, CMUA is authorized to sign and file this Motion on behalf of the Joint POUs.

October 16, 2016

Respectfully submitted,



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